

Guide for Review of Lead-Based Paint Compliance in Properties Receiving an Average of Up To and Including \$5,000 Per Unit in Federal Rehabilitation Assistance			
Name of Program Participant:			
Staff Consulted:			
Name of Grant Program Reviewed:			
Project File Name/Location:		Date Funds Awarded:	
Name(s) of Reviewer(s):		Date:	

NOTE: All questions that address requirements contain the citation for the source of the requirement (statute, regulation, NOFA, or grant agreement). If the requirement is not met, HUD must make a finding of noncompliance. All other questions (questions that do not contain the citation for the requirement) do not address requirements, but are included to assist the reviewer in understanding the participant's program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. Negative conclusions to these questions may result in a "concern" being raised, but not a "**finding**."

Instructions: This Exhibit is designed to monitor programs non-insular areas involving rehabilitation in units where the level of rehabilitation assistance per unit does not exceed \$5,000. The definition of the level of rehabilitation assistance pertaining to the threshold established in this Exhibit can be found at 24 CFR 35.915(b). This definition is clarified in the June 21, 2004, technical amendment to the Lead Safe Housing Rule. This Exhibit is divided into two sections: Section A pertains to examination of individual files to assess project compliance. Complete a separate Section A for each file reviewed. Section B contains questions evaluating overall program compliance and is to cover a single program only – the one under which the Section A files reviews are conducted. Section B questions are to be answered based on the individual file reviews in Section A and in conjunction with program participant staff interviews. Information on LBP sampling guidance and developing corrective actions is given in Chapter 24, Section 24-6.

Questions:

A. INDIVIDUAL FILE REVIEW

1.

Was this project evaluated for applicability of the Lead Safe Housing Rule? (If the response is “yes” AND the project meets the regulatory exemption standards, skip to Section B. If “yes” and the project is <u>not</u> exempt, continue with the remaining questions in Section A.) [24 CFR 35.115]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion:		

2.

Was the level of rehabilitation assistance (or total amount of Federal housing assistance) for this project calculated correctly and documented in the project file? [24 CFR 35.915]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion:		

3.

Does the project file include the following documents (to be kept for at least three years) necessary to demonstrate compliance with the requirements of the Lead Safe Housing Rule:		
a. Documentation of receipt by homeowner or occupant of the Lead Hazard Information Pamphlet? [24 CFR 35.910(b)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
b. Notices to Residents: Notice of Lead Hazard Evaluation (if paint testing was performed) or a Notice of Presumption (if no paint testing was performed). (<u>Note</u> : If interim controls or abatement are electively performed at this level of rehabilitation assistance, then a Notice of Lead Hazard Reduction must be provided to the residents.) [24 CFR 35.910(a)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Exhibit 24-1
Lead-Based Paint Compliance

6509.2 REV-5

c. If the program participant was a seller or lessor: the lead warning statement, disclosure of known information about lead-based paint, and acknowledgement of receipt of this information by the buyer or lessee? [24 CFR 35.88]	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
---	--

d. A paint testing report (if testing was performed) performed by a certified inspector or risk assessor? [24 CFR 35.930(b)(1)]	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
---	--

e. A clearance report showing the unit, or the worksite if it was contained, passed clearance (if lead-based paint is known or presumed to be in the unit and the amount of material to be disturbed is above the <i>de minimis</i> threshold)? [24 CFR 35.1340(c)]	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
---	--

f. A document demonstrating that the clearance examiner was independent from the entity performing the lead hazard control work? [24 CFR 35.1340(f)]	<input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

Describe Basis for Conclusion:

4.

a. Was work performed on painted surfaces where lead-based paint was known or presumed present in the work area above the <i>de minimis</i> threshold amount? (If the answer is no, skip to question 5.)	<input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

Describe Basis for Conclusion:

Exhibit 24-1
Lead-Based Paint Compliance

b. Based on your review, were occupants and their belongings protected during work (e.g., documentation of relocation, language in rehabilitation contract, homeowners' agreement, or other appropriate document)? [24 CFR 35.1345]	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Describe Basis for Conclusion: <div style="height: 100px; border: 1px solid black;"></div>			

c. Based on your review, did workers (including volunteers) use lead safe work practices (e.g., language in the work write-up, contract with workers, or a signed certification by the contractor)? [24 CFR 35.930(b)(2)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Describe Basis for Conclusion: <div style="height: 100px; border: 1px solid black;"></div>			

B. PROGRAM REVIEW

5.

Does the program consistently and accurately assess projects for possible exemption from the requirements of 24 CFR Part 35? [24 CFR 35.115]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion: <div style="height: 100px; border: 1px solid black;"></div>		

Exhibit 24-1
Lead-Based Paint Compliance

6509.2 REV-5

6.

Does the program participant have staff who are knowledgeable about HUD's lead-based paint regulations? [24 CFR 35.170]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion:		

7.

Does the program ensure that lead safe work practices are used during rehabilitation work on painted surfaces larger than the <i>de minimis</i> amounts that are known or presumed to have lead, and is all disturbed paint routinely and properly repaired? [24 CFR 35.930(b)(2)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion:		

8.

Where temporary relocation is required by the Lead Safe Housing Rule, does the program ensure that occupants are relocated to units free of lead hazards and their belongings are protected? [24 CFR 35.1345(a)(2)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Describe Basis for Conclusion:			

Exhibit 24-1
Lead-Based Paint Compliance

9.

<p>Does the program ensure that applicants are not being denied rehabilitation services based on familial status or disability, and that pre-1978 homes of families with children less than age six are being tested and treated for lead hazards when triggered by the regulation?</p> <p>NOTE: The lead-based paint requirements for up to and including an average of \$5,000 per unit apply to all pre-1978 units receiving this amount of rehabilitation assistance, not only those units occupied by children under age 6. The Fair Housing Act prohibits denial of services, including Federally funded housing rehabilitation, based on familial status (presence of children under age 18) or disability.</p> <p>[24 CFR 100.50(b)(2); 24 CFR 35.115(a)(3)]</p>	<input style="width: 30px; height: 20px;" type="checkbox"/> Yes	<input style="width: 30px; height: 20px;" type="checkbox"/> No
<p>Describe Basis for Conclusion:</p> <div style="border: 1px solid black; height: 100px; margin-top: 5px;"></div>		

10.

<p>Does the program ensure that the Lead Safe Housing Rule's requirements regarding worker and occupant safety are shared with the entities and individuals who perform the rehabilitation work on painted surfaces, such as contractors and subrecipients (e.g., subgrantees, non-profits, Community Housing Development Organizations, Community Development Corporations and volunteer groups)?</p> <p>[24 CFR 35.900(a) and (b); 24 CFR 35.1350 and 24 CFR 35.1345]</p>	<input style="width: 30px; height: 20px;" type="checkbox"/> Yes	<input style="width: 30px; height: 20px;" type="checkbox"/> No
<p>Describe Basis for Conclusion:</p> <div style="border: 1px solid black; height: 100px; margin-top: 5px;"></div>		

11.

<p>During its monitoring for compliance with housing quality standards during the period of affordability, does the program participant review HOME rental project owners' records to ensure that ongoing maintenance is being performed in accordance with 24 CFR 35.1355? [24 CFR 92.504(d)]</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<p>Describe Basis for Conclusion:</p>			